

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

JOE JACKSON,

Plaintiff,

ORDER

98-CV-6563L

v.

CORRECTION OFFICER BOOKER, et al.,

Defendants.

---


This case was commenced by plaintiff, Joe Jackson (“Jackson”), *pro se*, in 1998. When the action was commenced, Jackson was in the custody of the New York States Department of Corrections. He has now been released but has been confined to a psychiatric facility.

On March 28, 2005, the Court issued an Order to Show Cause to Jackson to explain why the case should not be dismissed for failure to prosecute in light of plaintiff’s inaction for years on the case. The Court had appointed counsel to attempt to pursue the case if possible. It does not appear that plaintiff is in a position to litigate matters that occurred many years ago, especially in light of his confinement to a psychiatric hospital.

In addition, I have been advised by Jackson's appointed counsel, by letter dated January 6, 2006, that Jackson has advised counsel that he no longer wishes to proceed with the action and that it may be dismissed.

Therefore, in light of Jackson's failure to prosecute the action and in view of his request to dismiss the case, this action is dismissed with prejudice, pursuant to FED. R. CIV. P. 41(a)(2).

IT IS SO ORDERED.



---

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 9, 2005.